

**REMARKS**

The office action rejects claim 7 on grounds that Brady (U.S. Pat. 5,758,050) at column 2, lines 28-37, discloses the following limitation of claim 7: "... the contiguous portion of the disk to which the data is copied is on a different partition of the disk than a disk partition on which the original data is stored." What Brady actually discloses, however, is "... the user can selectively store data in different storage partitions having different operating characteristics." That is, Brady only discloses single instances of data stored in different partitions, no copies at all. Brady does not disclose original data on a disk partition and copied data on a different partition as recited in claim 7. Accordingly, claim 7 sets forth patentable subject matter, and, in an effort to move the case forward, Applicants have amended the claims to move the patentable subject matter of claim 7 into the independent claims 1, 8, and 14, thereby rendering all the claims in the present application patentable – as amended.

Claims 1-20 of the present application stand rejected under 35 U.S.C. §§ 102 and 103. Applicants have amended claims 1, 8, and 14 and cancelled claim 7 from further consideration in this application. Applicants are not conceding in this application that the original claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellation are only for facilitating expeditious prosecution of the allowable subject matter. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations or divisional patent applications.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 50-3082 for any fees required or overpaid.

Date: 6/8/07

Respectfully submitted,

By:



John Biggers  
Reg. No. 44,537  
Biggers & Ohanian, LLP  
P.O. Box 1469  
Austin, Texas 78767-1469  
Tel. (512) 472-9881  
Fax (512) 472-9887  
ATTORNEY FOR APPLICANTS